

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION – SIOUX CITY**

PEG BOUAPHAKEO, et al. individually and
on behalf of a class of others similarly
situated,

Plaintiffs,

Docket No. 5:07-CV-04009 JAJ

v.

TYSON FOODS, INC.,

Defendant.

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2001	Exemplar of Frock						
D-2002	Exemplar of "Whites" (White Shirt and White Pants)						
D-2003	Exemplar of Hairnet						
D-2004	Exemplar of Earplugs						
D-2005	Exemplar of Beardnet						
D-2006	Exemplar of Hard Hat						
D-2007	Exemplar of Cotton Gloves						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2008	Exemplar of Rubber Gloves						
D-2009	Exemplar of Plastic Apron						
D-2010	Exemplar of Safety Glasses						
D-2011	Exemplar of Boots						
D-2012	Exemplar of Plastic Sleeve						
D-2013	“A Time Analysis Verification Study for the Put-On, Removal, and Cleaning on Personal Protective Equipment at IBP, Inc.” submitted to DOL, dated 12/14/1998 [name “IBP” redacted throughout] (TS-0000267-TS-0000345)						
D-2014	Memorandum, “Pay Practices,” dated 4/22/1998 [name “IBP” redacted throughout]						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(TYSp-000SLPL-003-00000410)						
D-2015	Walk Time Calculation, diagrammed on blueprints of plant, dated 5/31/2006 (TS-0000012-TS-0000016)						
D-2016	Time Calculation, 2006 (TS-0000030-TS-0000047)						
D-2017	Time Calculation, 2006 [info related to other plants redacted throughout] (TS-00196777-TS-00196807)						
D-2018	Wage and Hour Payment of Minutes Assessment Action Plan, 2006 (TS-00196808)						
D-2019	"Specs for Paying K Code Minutes By: Location, Department,						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Jobcode and/or Location, Jobcode” effective 1/1/2007 (TSE00193317)						
D-2020	Memorandum, “Work Code Specific Pre/Post Shift Compensation,” dated 2/5/2007 (TS-00175471)						
D-2021	“Pre/Post Shift Options – Fresh Meats,” dated 5/27/2009 (TSE00194713)						
D-2022	Memorandum, “Changes in the work day,” ¹ 6/14/2010 [first sentence and first two words of second sentence redacted] (TSE00196765-TSE00196776)						
D-2023	Storm Lake K-Code Times, dated 2/2/2007 (TYSp-						

1 Defendant is listing this provisionally. As stated in Defendant’s motion in limine to exclude evidence of the June 2010 changes to the workday, neither party should be permitted to offer evidence on this subject.

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	000SLPL-007-00003266-TYSp-000SLPL-007-00003268)						
D-2024	List of Positions at Storm Lake by Job Codes (TS-0000048-TS-0000064)						
D-2025	"Storm Lake Donning and Donning Minutes Per Work Code," as of 10/13/2009 (TS-0000419-TS-0000434)						
D-2026	Safety Policy (TS-0000455)						
D-2027	Safety Procedure No. 1, Personal Protective (Safety) Equipment (TS-0000456)						
D-2028	Hearing Conservation Training (TS-0000484)						
D-2029	Orientation Program, Storm Lake Hourly (TS-0000491-						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	TS-0000500)						
D-2030	Safety Shoe Policy (TSE0193147)						
D-2031	Green Handle "Low Maintenance Steels" sign off (TS-0000449)						
D-2032	Tyson Foods, Inc. Policy: Hourly Attendance Policy (TSE00193111-TSE00193113)						
D-2033	Team Member Bill of Rights (TSE00194338)						
D-2034	Time & Attendance Instructions and Reports [name "IBP" redacted throughout] (TYSp-000SLPL-007-00002664-TYSp-000SLPL-007-00002743)						
D-2035	Blueprints of the Storm Lake facility (TS-000001-TS-						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	000002, TS-000591-TS-000594)						
D-2036	Job Safety Analysis, Box Maker (TYSp-000SLPL-007-00000873)						
D-2037	Job Safety Analysis, Pack Casings (TYSp-000SLPL-007-00001404)						
D-2038	Job Safety Analysis, Fork Lift Operator (TYSp-000SLPL-007-00001462)						
D-2039	Job Safety Analysis, Combo Loader (TYSp-000SLPL-007-00001463)						
D-2040	Separation Notification Form, Mario Martinez, effective 2/22/2006						
D-2041	Incident Report, Mario Martinez						
D-2042	Disciplinary						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Action Memo, Subject: Mario Martinez, dated 2/20/2006						
D-2043	Calendar Card Reporting, Disciplinary Action, Javier V. Frayre, run date 12/1/2003						
D-2044	Incident Report, Pete Rollinger						
D-2045	TM Discipline Letter, Pete G. Rollinger, dated 8/11/2005						
D-2046	Calendar Card Reporting, Disciplinary Action, Pete G. Rollinger, run date 11/8/2001						
D-2047	Calendar Card Reporting, Disciplinary Action, Pete G. Rollinger, run date 6/7/2002						
D-2048	Incident Report, Pete Rollinger						
D-2049	Handwritten Notes, Subject: Sexual Harassment,						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	dated November 2, 2001						
D-2050	Handwritten Notes, Re: Pete Rolling and Maria C. Leon, dated November 2, 2001						
D-2051	WITHDRAWN						
D-2052	WITHDRAWN						
D-2053	WITHDRAWN						
D-2054	WITHDRAWN						
D-2055	WITHDRAWN						
D-2056	WITHDRAWN						
D-2057	WITHDRAWN						
D-2058	WITHDRAWN						
D-2059	WITHDRAWN						
D-2060	ASE Video, Camera 2 9/16/2009, Start Time (0:27:29) - Stop Time (00:27:59)						
D-2061	ASE Video, Camera 2, 9/16/2009, Start Time (0:27:59) - Stop Time						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(00:28:29)						
D-2062	ASE Video, Camera 2, 9/17/2009, Start Time (0:15:49) - Stop Time (00:17:49)						
D-2063	ASE Video, Camera 2, 9/17/2009, Start Time (0:02:53) - Stop Time (00:03:33)						
D-2064	ASE Video, Camera 2, 9/17/2009, Start Time (0:01:45) - Stop Time (00:03:05)						
D-2065	ASE Video, Camera 3, 9/17/2009, Start Time (0:07:08) - Stop Time (00:07:25)						
D-2066	ASE Video, Camera 3, 9/16/2009, Start Time (0:02:10) - Stop Time (00:06:14)						
D-2067	ASE Video, Camera 3, 9/16/2009, Start Time (0:05:14)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	- Stop Time (00:06:14)						
D-2068	ASE Video, Camera 3, 9/17/2009, Start Time (0:16:00) - Stop Time (00:18:00)						
D-2069	ASE Video, Camera 3, 9/17/2009, Start Time (0:12:56) - Stop Time (00:14:56)						
D-2070	ASE Video, Camera 4, 9/17/2009, Start Time (0:20:11) - Stop Time (00:22:11)						
D-2071	ASE Video, Camera 4, 9/17/2009, Start Time (0:19:22) - Stop Time (00:21:22)						
D-2072	ASE Video, Camera 5, 9/16/2009, Start Time (0:07:56) - Stop Time (00:08:56)						
D-2073	Video Clips of Plaintiffs' Trial						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Witnesses [video footage taken by Dr. Mericle's team of any of Plaintiffs' trial witnesses] ²						
D-2074	Mericle Video Clip, Sequence # 596, 4/23/2009/2009, Start Time (21:46:05) - Stop Time (21:48:05)						
D-2075	Mericle Video Clip, Sequence # 73, 4/23/2009, Start Time (12:40:13) - Stop Time (12:44:44)						
D-2076	Mericle Video Clip , Sequence #75, 4/23/2009, Start Time (14:36:15) - Stop Time (14:40:03)						
D-2077	Mericle Video Clip, Sequence # 465, 4/24/2009, Start						

² Defendant reserves the right to identify such video clips after it has received Plaintiffs' trial witness list and the Court has ruled on which of those witnesses are permitted to testify.

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Time (14:42:19) - Stop Time (14:47:35)						
D-2078	Mericle Video Clip, Sequence # 737, 4/24/2009, Start Time (7:18:50) - Stop Time (7:21:43)						
D-2079	Mericle Video Clip, Sequence # 162, 4/24/2009, Start Time (6:14:09) - Stop Time (6:15:41)						
D-2080	Mericle Video Clip , Sequence # 743, 4/24/2009, Start Time (7:30:07) - Stop Time (7:31:02)						
D-2081	Mericle Video Clip, Sequence # 463/Disk, 4/24/2009, Start Time (14:38:49) - Stop Time (14:46:25)						
D-2082	Mericle Video Clip, Sequence # 389, 4/24/2009, Start Time (7:12:52)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	- Stop Time (7:17:25)						
D-2083	Mericle Video Clip, Sequence # 346, 4/23/2009, Start Time (16:01:52) - Stop Time (16:06:20)						
D-2084	Mericle Video Clip, Sequence # 381, 4/24/2009, Start Time (5:38:30) - Stop Time (5:48:50)						
D-2085	Mericle Video Clip, Sequence # 727, 4/24/2009, Start Time (6:10:18) - Stop Time (6:15:26)						
D-2086	Mericle Video Clip, Sequence # 192, 4/24/2009, Start Time (12:00:12) - Stop Time (12:04:07)						
D-2087	Mericle Video Clip, Sequence # 132, 4/23/2009, Start Time (21:59:40) - Stop Time						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(22:02:57)						
D-2088	Mericle Video Clip, Sequence # 422, 4/24/2009, Start Time (12:16:05) - Stop Time (12:16:35)						
D-2089	Mericle Video Clip, Sequence # 382, 4/23/2009 or 24, Start Time (6:13:29) - Stop Time (6:16:33)						
D-2090	Mericle Video Clip, Sequence # 383, 4/24/2009, Start Time (6:17:25) - Stop Time (6:21:02)						
D-2091	Mericle Video Clip, Sequence # 743, 4/24/2009, Start Time (7:30:07) - Stop Time (7:31:02)						
D-2092	Mericle Video Clip, Sequence # 456, 4/24/2009, Start Time (14:25:55) - Stop Time (14:35:11)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2093	Mericle Video Clip, Sequence # 463, 4/24/2009, Start Time (14:38:49) - Stop Time (14:46:25)						
D-2094	Mericle Video Clip, Sequence # 88, 4/23/2009, Start Time (15:59:41) - Stop Time (16:03:39)						
D-2095	Mericle Video Clip, Sequence # 273, 4/24/2009, Start Time (14:33:43) - Stop Time (14:38:59)						
D-2096	Mericle Video Clip, Disk 10, 4/23/2009, Start Time (15:55:20) - Stop Time (15:55:40)						
D-2097	Mericle Video Clip, Disk 17, 4/24/2009, Start Time (7:20:10) - Stop Time (7:20:15)						
D-2098	Mericle Video Clip, Sequence # 100,						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	4/23/2009, Start Time (16:08:00) - Stop Time (16:08:35)						
D-2099	Mericle Video Clip, Disk 11, 4/23/2009, Start Time (15:59:35) - Stop Time (16:00:02)						
D-2100	Mericle Video Clip, Disk 13, 4/24/2009, Start Time (11:31:40) - Stop Time (11:32:45)						
D-2101	Mericle Video Clip, Disk 4, 4/23/2009, Start Time (21:26:45) - Stop Time (21:28:36)						
D-2102	Mericle Video Clip, Disk 16, 4/23/2009, Start Time (1:12:15) - Stop Time (1:12:36)						
D-2103	Mericle Video Clip, Disk 5, 4/23/2009, Start Time (5:38:28) - Stop Time (5:44:52)						
D-2104	Mericle Video						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Clip, Sequence # 166, 4/23/2009, Start Time (6:17:55) - Stop Time (6:19:53)						
D-2105	Mericle Video Clip, Disk 5, 4/23/2009, Start Time (6:17:38) - Stop Time (6:18:36)						
D-2106	Mericle Video Clip, Disk 11, 4/23/2009, Start Time (22:07:05) - Stop Time (22:08:05)						
D-2107	Mericle Video Clip, Sequence # 405, 4/24/2009, Start Time (11:56:45) - Stop Time (12:00:03)						
D-2108	Mericle Video Clip, Sequence # 343, 4/23/2009, Start Time (15:55:39) - Stop Time (15:57:07)						
D-2109	Mericle Video Clip, Sequence # 344, 4/23/2009, Start						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Time (15:56:21) - Stop Time (15:57:36)						
D-2110	Mericle Video Clip, Disk 11, 4/23/2009, Start Time (16:00:16) - Stop Time (16:00:44)						
D-2111	Mericle Video Clip, Sequence # 2, 4/23/2009, Start Time (11:29:15) - Stop Time (11:54:00)						
D-2112	Mericle Video Clip, Disk 2, 4/23/2009, Start Time (11:53:58) - Stop Time (12:16:00)						
D-2113	Mericle Video Clip, Disk 2, 4/23/2009, Start Time (12:40:30) - Stop Time (12:47:00)						
D-2114	Mericle Video Clip, Disk 6, 4/24/2009, Start Time (11:31:05) - Stop Time (11:40:40)						
D-2115	Mericle Video						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Clip, Disk 6, 4/24/2009, Start Time (11:52:17) - Stop Time (12:00:00)						
D-2116	Mericle Video Clip, Disk 12, 4/24/2009, Start Time (6:12:20) - Stop Time (6:15:40)						
D-2117	Mericle Video Clip, Disk 12, 4/24/2009, Start Time (6:21:27) - Stop Time (6:21;50)						
D-2118	Mericle Video Clip, Disk 4, 4/23/2009, Start Time (22:03:00) - Stop Time (22:06:00)						
D-2119	Mericle Video Clip, Sequence # 76, 4/23/2009, Start Time (14:44:02) - Stop Time (14:49:05)						
D-2120	Mericle Video Clip, Sequence # 77, 4/23/2009, Start Time (14:44:00) - Stop Time						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(14:47:38)						
D-2121	Mericle Video Clip, Sequence # 83, 4/23/2009, Start Time (14:53:33) - Stop Time (14:58:48)						
D-2122	Mericle Video Clip, Sequence # 84, 4/23/2009, Start Time (14:57:01) - Stop Time (15:00:16)						
D-2123	Mericle Video Clip, Sequence # 270, 4/24/2009, Start Time (14:27:40) - Stop Time (14:32:35)						
D-2124	Mericle Video Clip, Sequence # 360, 4/23/2009 or 24, Start Time (16:08:17) - Stop Time (16:13:15)						
D-2125	Mericle Video Clip, Sequence # 463, 4/24/2009, Start Time (14:38:49) - Stop Time						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(14:46:25)						
D-2126	Mericle Video Clip, Sequence # 150, 4/24/2009, Start Time (5:38:51) - Stop Time (5:44:50)						
D-2127	Mericle Video Clip, Sequence # 156, 4/24/2009, Start Time (5:48:13) - Stop Time (5:54:53)						
D-2128	Mericle Video Clip, Disk 5, 4/24/2009, Start Time (5:57:06) - Stop Time (5:59:34)						
D-2129	Mericle Video Clip, Disk 5, 4/24/2009, Start Time (6:13:33) - Stop Time (6:15:33)						
D-2130	Mericle Video Clip, Disk 5, 4/24/2009, Start Time (5:48:13) - Stop Time (5:54:33)						
D-2131	Mericle Video Clip, Disk 7,						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	4/24/2009, Start Time (14:27:40) - Stop Time (14:32:35)						
D-2132	Mericle Video Clip, Disk 17, 4/24/2009, Start Time (6:10:34) - Stop Time (6:13:02)						
D-2133	Mericle Video Clip, Disk 17, 4/24/2009, Start Time (7:31:57) - Stop Time (7:30:43)						
D-2134	Mericle Video Clip, Disk 17, 4/24/2009, Start Time (7:29:28) - Stop Time (7:30:43)						
D-2135	Mericle Video Clip, Sequence # 79, 4/23/2009, Start Time (14:50:46) - Stop Time (14:53:24)						
D-2136	Mericle Video Clip, Sequence # 81, 4/23/2009, Start Time (14:52:29) - Stop Time (14:54:16)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2137	Mericle Video Clip, Sequence # 82, 4/23/2009, Start Time (14:52:46) - Stop Time (14:55:02)						
D-2138	Mericle Video Clip, Sequence # 126, 4/23/2009, Start Time (21:50:35) - Stop Time (21:56:56)						
D-2139	Mericle Video Clip, Sequence # 172, 4/24/2009, Start Time (11:29:26) - Stop Time (11:32:16)						
D-2140	Mericle Video Clip, Sequence # 191, 4/24/2009, Start Time (11:59:52) - Stop Time (12:02:21)						
D-2141	Mericle Video Clip, Sequence # 192, 4/24/2009, Start Time (12:00:12) - Stop Time (12:04:07)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2142	Mericle Video Clip, Sequence # 195, 4/24/2009, Start Time (12:01:20) - Stop Time (12:03:52)						
D-2143	Mericle Video Clip, Sequence # 197, 4/24/2009, Start Time (12:01:37) - Stop Time (12:03:37)						
D-2144	Mericle Video Clip, Sequence # 199, 4/24/2009, Start Time (12:13:06) - Stop Time (12:15:31)						
D-2145	Mericle Video Clip, Sequence # 200, 4/24/2009, Start Time (12:13:06) - Stop Time (12:15:55)						
D-2146	Mericle Video Clip, Sequence # 249, 4/24/2009, Start Time (13:46:30) - Stop Time (13:46:53)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2147	Mericle Video Clip, Sequence # 250, 4/24/2009, Start Time (13:46:53) - Stop Time (13:46:56)						
D-2148	Mericle Video Clip, Sequence # 251, 4/24/2009, Start Time (13:46:56) - Stop Time (13:47:00)						
D-2149	Mericle Video Clip, Sequence # 252, 4/24/2009, Start Time (13:47:07) - Stop Time (13:47:10)						
D-2150	Mericle Video Clip, Sequence # 253, 4/24/2009, Start Time (13:47:10) - Stop Time (13:47:13)						
D-2151	Mericle Video Clip, Sequence # 254, 4/24/2009, Start Time (13:47:13) - Stop Time (13:47:19)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2152	Mericle Video Clip, Sequence # 255, 4/24/2009, Start Time (13:47:31) - Stop Time (13:47:37)						
D-2153	Mericle Video Clip, Sequence # 256, 4/24/2009, Start Time (13:48:02) - Stop Time (13:48:08)						
D-2154	Mericle Video Clip, Sequence # 257, 4/24/2009, Start Time (13:48:26) - Stop Time (13:48:136)						
D-2155	Mericle Video Clip, Sequence # 258, 4/24/2009, Start Time (13:48:32) - Stop Time (13:48:38)						
D-2156	Mericle Video Clip, Sequence # 259, 4/24/2009, Start Time (13:48:54) - Stop Time (13:49:01)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2157	Mericle Video Clip, Sequence # 260, 4/24/2009, Start Time (13:49:12) - Stop Time (13:49:16)						
D-2158	Mericle Video Clip, Sequence # 261, 4/24/2009, Start Time (13:49:23) - Stop Time (13:49:30)						
D-2159	Mericle Video Clip, Sequence # 262, 4/24/2009, Start Time (13:51:10) - Stop Time (13:53:09)						
D-2160	Mericle Video Clip, Sequence # 263, 4/24/2009, Start Time (13:56:19) - Stop Time (13:59:03)						
D-2161	Mericle Video Clip, Sequence # 265, 4/24/2009, Start Time (14:25:44) - Stop Time (14:28:48)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2162	Mericle Video Clip, Sequence # 266, 4/24/2009, Start Time (14:28:04) - Stop Time (14:30:58)						
D-2163	Mericle Video Clip, Sequence # 267, 4/24/2009, Start Time (14:28:22) - Stop Time (14:30:58)						
D-2164	Mericle Video Clip, Sequence # 311, 4/23/2009, Start Time (12:22:14) - Stop Time (12:27:53)						
D-2165	Mericle Video Clip, Sequence # 117, 4/23/2009, Start Time (21:28:36) - Stop Time (21:29:46)						
D-2166	Mericle Video Clip, Sequence # 118, 4/23/2009, Start Time (21:28:36) - Stop Time (21:30:07)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2167	Mericle Video Clip, Sequence # 119, 4/23/2009, Start Time (21:28:36) - Stop Time (21:30:42)						
D-2168	Mericle Video Clip, Sequence # 120, 4/23/2009, Start Time (21:28:48) - Stop Time (21:30:39)						
D-2169	Mericle Video Clip, Sequence # 121, 4/23/2009, Start Time (21:30:25) - Stop Time (21:31:03)						
D-2170	Mericle Video Clip, Sequence # 365, 4/23/2009, Start Time (21:28:56) - Stop Time (21:31:04)						
D-2171	Mericle Video Clip, Sequence # 366, 4/23/2009, Start Time (21:28:58) - Stop Time (21:30:46)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2172	Mericle Video Clip, Sequence # 367, 4/23/2009, Start Time (21:29:07) - Stop Time (21:31:43)						
D-2173	Mericle Video Clip, Sequence # 368, 4/23/2009, Start Time (21:29:10) - Stop Time (21:31:26)						
D-2174	Mericle Video Clip, Sequence # 369, 4/23/2009, Start Time (21:30:45) - Stop Time (21:31:22)						
D-2175	Mericle Video Clip, Sequence # 72, 4/23/2009, Start Time (12:26:34) - Stop Time (12:29:11)						
D-2176	Mericle Video Clip, Sequence # 123, 4/23/2009, Start Time (21:50:35) - Stop Time (21:51:58)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2177	Mericle Video Clip, Sequence # 275, 4/24/2009, Start Time (14:36:40) - Stop Time (14:39:08)						
D-2178	Mericle Video Clip, Sequence # 277, 4/24/2009, Start Time (14:43:31) - Stop Time (14:47:50)						
D-2179	Mericle Video Clip, Sequence # 453, 4/24/2009, Start Time (13:56:20) - Stop Time (13:58:48)						
D-2180	Mericle Video Clip, Sequence # 454, 4/24/2009, Start Time (14:26:22) - Stop Time (14:30:24)						
D-2181	Mericle Video Clip, Sequence # 317, 4/24/2009, Start Time (14:38:37) - Stop Time (14:44:29)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2182	Mericle Video Clip, Sequence # 318, 4/23/2009, Start Time (14:39:44) - Stop Time (14:42:58)						
D-2183	Mericle Video Clip, Sequence # 319, 4/23/2009, Start Time (14:42:07) - Stop Time (14:46:18)						
D-2184	Mericle Video Clip, Sequence # 320, 4/23/2009, Start Time (14:48:46) - Stop Time (14:50:51)						
D-2185	Mericle Video Clip, Sequence # 321, 4/23/2009, Start Time (14:49:06) - Stop Time (14:51:36)						
D-2186	Mericle Video Clip, Sequence # 322, 4/23/2009, Start Time (14:48:10) - Stop Time (14:51:13)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2187	Mericle Video Clip, Sequence # 323, 4/23/2009, Start Time (14:50:33) - Stop Time (14:55:10)						
D-2188	Mericle Video Clip, Sequence # 324, 4/23/2009, Start Time (14:54:37) - Stop Time (14:57:34)						
D-2189	Mericle Video Clip, Sequence # 325, 4/23/2009, Start Time (14:36:40) - Stop Time (14:39:08)						
D-2190	Mericle Video Clip, Sequence # 721, 4/24/2009, Start Time (5:55:31) - Stop Time (5:57:19)						
D-2191	Mericle Video Clip, Sequence # 161, 4/24/2009, Start Time (6:13:33) - Stop Time (6:15:53)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2192	Mericle Video Clip, Sequence # 376, 4/24/2009, Start Time (21:49:43) - Stop Time (21:53:53)						
D-2193	Mericle Video Clip, Sequence # 720, 4/24/2009, Start Time (5:54:06) - Stop Time (5:57:04)						
D-2194	Mericle Video Clip, Sequence # 727, 4/24/2009, Start Time (6:10:18) - Stop Time (6:15:26)						
D-2195	Mericle Video Clip, Sequence # 540, 4/24/2009, Start Time (00:26:23) - Stop Time (00:29:57)						
D-2196	Memorandum , "Request Changes in Hours of Operation," dated September 29, 2004 (includes shift schedules)						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	(TSE00182231)						
D-2197	Job Safety Analysis, Operate Cryovac Machine, signed by Ninoska Balderas						
D-2198	Blue Handle "Low Maintenance Steels" sign off, signed by Ninoska Balderas						
D-2199	Job Safety Analysis, Skin Butts, signed by Ninoska Balderas						
D-2200	Job Safety Analysis, Pack Feet, signed by Ninoska Castillo a/k/a Balderas						
D-2201	Job Safety Analysis, Trim Jowls, signed by Ninoska Castillo a/k/a Balderas						
D-2202	Job Safety Analysis, Black						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Gut Pull, signed by Don Fitchett						
D-2203	Job Safety Analysis, Pull & Save Rectums, signed by Don Fitchett						
D-2204	Job Safety Analysis, Aside Sets, signed by Don Fitchett						
D-2205	Job Safety Analysis, Stomach Feeder, signed by Don Fitchett						
D-2206	Job Safety Analysis, Bucket Rectums, signed by Don Fitchett						
D-2207	Job Safety Analysis, Cut Stomachs, signed by Don Fitchett						
D-2208	Locker and PPE Equipment List for Jose A. Garcia						
D-2209	Exit Interview of Jose A.						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Garcia, dated July 16, 2009 [name "IBP" redacted]						
D-2210	Job Safety Analysis, Stunner, signed by Jose A. Garcia						
D-2211	Job Safety Analysis, Viscera Inspect signed by Jose A. Garcia						
D-2212	Job Safety Analysis, Remove Cord/Castration Marks, signed by Jose A. Garcia						
D-2213	Job Safety Analysis, Gut Hogs, signed by Jose A. Garcia						
D-2214	Job Safety Analysis, Pull Bung, signed by Jose A. Garcia						
D-2215	Blue Handle "Low Maintenance Steels" sign off, signed by Maria Leon						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2216	Job Bid Qualification / Disqualification Record for Maria Leon						
D-2217	Job Safety Analysis, Butt Multivac Operator, signed by Maria Leon						
D-2218	Job Safety Analysis Sign Off, Trim Butts, signed by Maria Leon						
D-2219	Blue Handle "Low Maintenance Steels" sign off, signed by Nicolas H. Lovan						
D-2220	Retrim Department Safety Rules, signed by Nicolas Lovan						
D-2221	Storm Lake Plant Safety Rules, signed by Nicolas Lovan						
D-2222	Locker and PPE Equipment List						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	for Heriberto Renteria						
D-2223	Exit Interview of Heriberto Renteria, dated April 16, 2010						
D-2224	Job Safety Analysis, Index Hogs, signed by Jesus A. Montes						
D-2225	New Production Work Schedule, Effective June 28, 2010 ³ (TSE-00196768)						
D-2226	Mericle Video Clip, Disk 10, 4/23/2009, Start Time (2:38:20) - Stop Time (2:42:00)						
D-2227	MS Access Database entitled, "Storm Lake Complete Detail" located on CD-Rom entitled, "Composite of Pay and Punch Data Produced						

³ Defendant is listing this provisionally. As stated in Defendant's motion in limine to exclude evidence of the June 2010 changes to the workday, neither party should be permitted to offer evidence on this subject.

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	to Plaintiffs”						
D-2228	Rule 1006 Summary Charts Titled “Minutes from Clock-In to Start of Paid Time, By Employee” (for various depts and various dates)						
D-2229	Rule 1006 Summary Charts Titled “Minutes from Clock-In to Start of Paid Time, By Date” (for various depts and various dates)						
D-2230	Rule 1006 Summary Charts Titled “Minutes from End of Paid Time to Clock-Out, By Employee” (for various depts and various dates)						
D-2231	Rule 1006 Summary Charts Titled “Minutes from						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	End of Paid Time to Clock-Out, By Date Worked" (for various depts and various dates)						
D-2232-01	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-02	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-03	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-04	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-05	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-06	Still Photo of Team Members Wearing						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Clothing and Equipment						
D-2232-07	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-08	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-09	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-10	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-11	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-12	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-	Still Photo of Team Members						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
13	Wearing Clothing and Equipment						
D-2232-14	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-15	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-16	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-17	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-18	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-19	Still Photo of Team Members Wearing Clothing and Equipment						
D-	Still Photo of						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
2232-20	Team Members Wearing Clothing and Equipment						
D-2232-21	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-22	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-23	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-24	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-25	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-26	Still Photo of Team Members Wearing Clothing and Equipment						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2232-27	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-28	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-29	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-30	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-31	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-32	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-33	Still Photo of Team Members Wearing Clothing and						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Equipment						
D-2232-34	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-35	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-36	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-37	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-38	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-39	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-40	Still Photo of Team Members Wearing						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Clothing and Equipment						
D-2232-41	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-42	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-43	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-44	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-45	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-46	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-	Still Photo of Team Members						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
47	Wearing Clothing and Equipment						
D-2232-48	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-49	Still Photo of Team Members Wearing Clothing and Equipment						
D-2232-50	Still Photo of Team Members Wearing Clothing and Equipment						
D-2233-01	Videotape of location in Storm Lake facility						
D-2233-02	Videotape of location in Storm Lake facility						
D-2233-03	Videotape of location in Storm Lake facility						
D-2233-04	Videotape of location in Storm Lake facility						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
D-2233-05	Videotape of location in Storm Lake facility						
D-2233-06	Videotape of location in Storm Lake facility						
D-2233-07	Videotape of location in Storm Lake facility						
D-2233-08	Videotape of location in Storm Lake facility						
D-2233-09	Videotape of location in Storm Lake facility						
D-2233-10	Videotape of location in Storm Lake facility						
D-2233-11	Videotape of location in Storm Lake facility						
D-2233-12	Videotape of location in Storm Lake facility						
D-	Videotape of						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
2233-13	location in Storm Lake facility						
D-2234	WITHDRAWN						
D-2235	Curriculum Vitae of Dr. Peter H. Nickerson						
D-2236	Exhibit C entitled, "Examples of Individuals in Fabrication Departments Who Punch in Prior to Their Scheduled Start Time with Fewer Minutes than Dr. Mericle's Estimate of Pre-Work Donning Time," to Expert Report of Peter H. Nickerson, Ph.D.						
D-2237	Exhibit D entitled, "Examples of Individuals in Kill Departments Who Punch in Prior to Their Scheduled Start						

DEFENDANT'S FINAL TRIAL EXHIBIT LIST							
Exhibit No.	Description	Admitted without Objection	Objection		Trial Status		
			Foundation/ Authenticity	Other Objection	Offered	Received	Excluded
	Time with Fewer Minutes than Dr. Mericle's Estimate of Pre-Work Donning Time," to Expert Report of Peter H. Nickerson, Ph.D.						
D-2238	Exhibit E entitled, "Percentage of Shifts Paid K time for All Class Members Working After February 4 th , 2007 with Dollar Value of the Paid K Time," to Expert Report of Peter H. Nickerson, Ph.D.						

Additionally, defendant reserves the right to present impeachment and rebuttal exhibits, to present materials listed on plaintiff's exhibit list, and to present unlisted exhibits that are made necessary by developments during trial that defendant could not reasonably have anticipated.

Dated this 1st Day of September, 2011.

TYSON FOODS, INC., Defendant

/s/ Richard J. Sapp

Richard J. Sapp AT0006915
Frank B. Harty AT0003356
Ryan Koopmans AT0009366
NYEMASTER, GOODE, WEST,
HANSELL & O'BRIEN, P.C.
700 Walnut Street, Suite 1600
Des Moines, IA 50309-3899
Telephone (515) 283-3144
Facsimile: (515) 283-8045
E-Mail: rjs@nyemaster.com

/s/ Michael J. Mueller

Michael J. Mueller (admitted *pro hac vice*)
Evangeline C. Paschal (admitted *pro hac vice*)
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006
Telephone: 202-955-1500
Facsimile: 202-778-2201
Email: mmueller@hunton.com

CERTIFICATE OF SERVICE

The undersigned certifies that this 1st day of September 2011, I electronically filed the foregoing DEFENDANT'S FINAL TRIAL EXHIBIT LIST with the Clerk of the Court using the Court's CM/ECF filing system, which will serve notice of electronic filing upon the following:

Brian P. McCafferty, Esq.
MacDonald Smith, Esq.
Richard L. Kaspari, Esq.
W. Michael Hamilton, Esq.
Roger K. Doolittle, Esq.
Candis A. McGowan, Esq.
Robert L. Wiggins, Esq.
Jacob A. Kiser, Esq.
Daniel E. Arciniegas, Esq.

and I hereby certify that I have mailed by United States Postal Service, postage prepaid, this document to the following non CM/ECF participants:

None.

/s/ Michael J. Mueller
Counsel for Defendant